

1 Scott D. Righthand, Esq., SBN: 087635
2 Brittany Rogers, Esq., SBN: 288522
3 THE LAW OFFICE OF SCOTT RIGHTHAND
4 A Professional Corporation
5 425 California Street, Suite 900
6 San Francisco, CA 94104
7 Telephone: (415) 544-0115
8 Facsimile: (415) 544-0116
9 Scott@righthandlaw.net
10 Brittany@righthandlaw.net

11 Attorneys for Plaintiffs

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 DONALD LOEBER and MARIE LOEBER by
16 and through her Successor In Interest,
17 MICHELLE LOEBER,

18 Plaintiffs,

19 v.

20 UNITED STATES OF AMERICA,
21 Defendant.

Case No.: 3:21-CV-03866-LB

**[PROPOSED] ORDER DENYING
DEFENDANT UNITED STATES OF
AMERICA'S MOTION TO DISMISS**

Date: August 22, 2024

Time: 9:30 a.m.

Dept.: Courtroom B – 15th Floor

Honorable Judge Beeler
United States Magistrate Judge

22 Having considered the motion papers and opposition papers and materials submitted to the
23 Court by all parties including Plaintiffs DONALD LOEBER and MARIE LOEBER by and
24 through her Successor In Interest, MICHELLE LOEBER and all papers submitted by Defendant
25 UNITED STATES OF AMERICA, and having heard oral argument from counsel for Defendant
26 and from counsel for Plaintiff, this Court hereby ORDERS the following:

27 //

28 //

[PROPOSED] ORDER DENYING DEFENDANT UNITED STATES OF AMERICA'S MOTION TO DISMISS
No.: 3:21-CV-03866-LB

1. Defendant's Motion to Dismiss is Hereby Denied.

Dated: _____

Judge of the Superior Court

PROOF OF SERVICE

I, Brittany Rogers, am employed in the County of San Francisco, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 425 California Street, Suite 900, San Francisco, California, 94104.

I served the foregoing document(s) described as the following:

**[PROPOSED] ORDER DENYING DEFENDANT UNITED STATES OF AMERICA'S
MOTION TO DISMISS**

☒ by placing the original ☒ true copy(ies) thereof enclosed in sealed envelopes addressed as follows:

☐ **BY ELECTRONIC SERVICE/NEF:** Service was accomplished through the Notice of Electronic Filing for parties and counsel who are registered ECF Users.

☐ **BY PERSONAL SERVICE:** I caused such envelopes to be delivered by hand this date to the persons listed below:

☒ **EMAIL-FRCP 5(b)(2)(E)** pursuant to written consent to service by electronic means by placing in a secure email in accordance with this office's practice, and addressed to the party's last known email address listed below:

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 1, 2024 in San Francisco, California.

/s/ Brittany Rogers
Brittany Rogers

SERVICE LIST

STEPHANIE M. HINDS (CABN 154284)

United States Attorney

MICHELLE LO (NYRN 4325163)

Chief, Civil Division

DOUGLAS JOHNS (CABN 314798)

Assistant United States Attorney

150 Almaden Boulevard, Suite 900

San Jose, California 95113

Telephone: (415) 846-8947

FAX: (408) 535-5081

Douglas.Johns@usdoj.gov

Attorneys for Defendant

UNITED STATES OF AMERICA

Ronald Foreman, Esq.

FOREMAN & BRASSO

850 Montgomery Street, Suite 300

San Francisco, CA 94133

Tel: (415) 433-3475

Fax: (415) 781-8030

Email: foremanandbrasso@foremanandbrasso.com

rdf@foremanandbrasso.com

polly@foremanandbrasso.com

iah@foremanandbrasso.com

Attorney for Plaintiffs

MARC GOLICK